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10/568,958

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Peter Lowes

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BLANK ROME LLP

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WASHINGTON, DC 20037

EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT

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3629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|-------------------------------------|--|
| Office Action Summary | Application No. 10/568,958 | Applicant(s) LOWES ET AL. | |
| | Examiner JAMISUE A. PLUCINSKI | Art Unit 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 11-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The originally filed claims deal with a method of meeting with a passenger, performing security checks, and collecting baggage separate from the airport. The newly submitted claims, are directed to systems/methods, of transporting the baggage, and using transportation vehicles to transport the baggage.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. With respect to Claim 24: The preamble states the combination of the tag in Claim 23 and the addition of a label. This claim is unclear what exactly the combination is. In the specification they are two separate pieces of material and work in the same method, but are

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different structures and perform different functions, therefore causing it to be unclear which parts of the tag and which parts of the label are supposed to be considered?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt (4,978,144).

7. Schmidt discloses the use of a three part tag, which one part is detachable and can be applied to luggage (See Figures 1-3 with corresponding detailed description). The claims are directed towards the luggage tag, which is in essence an apparatus, therefore the information which is printed on the tag is considered to be printed matter, and does not functionally effect the tag, therefore the tag as claimed is anticipated by Schmidt.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt, as disclosed above for Claim 23, and further in view of Sehr (US 2002/0100803).

11. Schmidt discloses the use of a tag, however fails to disclose the use with a label which can be attached to a passengers photo ID. Sehr discloses the use of attaching a verification sticker to a smart card (Paragraph 0044). The verification tag and the label are not being disclosed as having any function together, therefore it would have been obvious to have both of together to provide security in traveling. (See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

12. Claims 1-3 and 5, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al. (US 2003/0100973) in view of Sehr (US 2002/0100803) in view of Schmidt (4,978,144).

13. With respect to Claims 1, 8, 9 and 10: Quackenbush discloses the use of a system which performs the steps:

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- a. Meeting with a passenger holding a flight reservation and ticket confirmation prior to a flight at a place remote from the airport to perform a pre-flight procedure (Paragraphs 0010 and 0027);
 - b. Confirming at the meeting the identify of the passenger using a photo ID (Paragraph 0028);
 - c. Confirming details of the passengers ticket confirmation (Paragraph 0028);
 - d. Pursuing all required document and security profiling procedures (See Paragraph 0028);
 - e. Collecting all items of luggage (Paragraph 0029);
 - f. Issuing a preliminary boarding pass (Figure 5C, shows that a paper ticket will be mailed to the user, the examiner considers this to be a preliminary boarding pass, due to the fact that it is used to obtain a permanent boarding pass, either by the normal check-in procedures, or by the passenger going directly to the gate);
 - g. Providing the passenger with a receipt for items of luggage collected (Paragraph 0030); and
 - h. Transporting the luggage in a secure manner to the airport of departure, for further checking prior to loading onto the aircraft (Paragraph 0031).
14. Quackenbush discloses the use of collecting baggage separate from the departure point, however fails to disclose providing a passenger verification tag having three portions, each portion including passenger flight and summary information, Detaching a portion of the three portions of the passenger verification tag and attaching it to an item of luggage. Schmidt discloses a passenger verification tag with three portions and one portion being removed and

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placed on an item of luggage (See Figure 1-3 with corresponding detailed description).

Furthermore, that type of information which is located on the tag is considered to be non-functional descriptive material and is not functionally related to any further steps, the collecting, issuing and providing steps would all be performed the same, regardless of what information is on all three parts of the verification tag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Quackenbush to include the verification tag, as disclosed by Schmidt, in order to provide an improved luggage tag with decreasing waste (See Schmidt, abstract and Columns 1 and 2).

15. Quackenbush and Smith, fails to disclose attaching a passenger verification label to the photo ID. Sehr discloses the use of a sticker which is attached to the smart card, which stores biometric information such as a photo (See paragraph 0044). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Quackenbush and Schmidt, to include the sticker of Sehr, in order to provide information to the card user. ((See KSR [127 S Ct. at 1739] “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.”).

16. With respect to Claim 5: See Paragraph 0029.

17. With respect to Claims 2 and 3: Quackenbush discloses the use of checking ID, however fails to disclose the ID is a government issued ID, such as a passport or a driver's license.

Official Notice is taken that it is old and well known in the art, that an ID used in the verification for air travel must be a government issued ID, such as a driver's license or a passport. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the ID of Quackenbush that is checked when collecting baggage, to be a

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government issued ID such as a passport, or a driver's license. One would have been motivated to have the ID be government issued such as a passport or a driver's license, for security reasons, so that the ID cannot be faked, for security reasons.

18. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al., Schmidt and Sehr in view of Koresec (US 2003/0056113).

19. With respect to Claim 4: Quackenbush discloses the user purchasing a ticket, however fails to disclose the use of an address check being done before the meeting for the pre-flight procedure. Koresec discloses the use of an address check being done when a user makes a purchase for modes of transportation such as a flight (See Paragraphs 0032 and 0033). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Quackenbush, to include the address check of Koresec, for security reasons (See Abstract and Pages 1-2).

20. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al., Schmidt and Sehr in view of DeBrouse (5,920,053).

21. With respect to Claim 6: Quackenbush discloses the use of a luggage tag with personal information, however fails to disclose the use of the luggage tag, being a passenger verification tag. DeBrouse, discloses the use of a luggage tag, which is also a passenger verification tag, with information such as name, flight info, and a picture (See Figure 5 with corresponding detailed description). It should be noted that the specific type of information that is in the tag, such as signature is considered to be non-functional data. The signature is not used further in

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any steps in the system, therefore all remaining steps would be performed the same, regardless of what type of information is contained in the tag. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Quackenbush, to include the passenger verification tags, as disclosed by DeBrouse, in order to provide a tag with passenger identification as well as baggage identification for ease of inspection. (See DeBrouse, Columns 3 and 4).

22. With respect to Claim 7: See DeBrouse, Column 6, lines 10-26.

Response to Arguments

23. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMISUE A. PLUCINSKI whose telephone number is (571)272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamisue A. Plucinski/
Primary Examiner, Art Unit 3629